

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
At Charleston**

**ERIE INSURANCE PROPERTY AND  
CASUALTY COMPANY,**

**Plaintiff,**

v.

**CIVIL ACTION NO. 2:18-cv-01422  
The Hon. John T. Copenhaver**

**INEZ LEWIS, in her individual capacity and as  
Administratrix of the ESTATE OF TIMOTHY  
JASON LEWIS, HOPE CLINIC, PLLC, a  
West Virginia limited liability company, JAMES  
H. BLUME, JR., D.O., TERESA EMERSON, FNP,  
MARK A. CLARKSON, D.O., PAUL W. BURKE, JR., M.D.  
And CROSS LANES FAMILY PHARMACY LLC  
& POCA VALU RITE PHARMACY,**

**Defendants.**

**STIPULATION AND AGREED ORDER OF DISMISSAL**

This day came the parties, by their respective counsel of record, pursuant to Rule 41(a)(1)(A) of the *Federal Rules of Civil Procedure*, and announced to the Court their stipulation that this action be dismissed and stricken from the docket. There being no objection, the Court **ORDERS** that this action be, and it is, hereby **DISMISSED** and stricken from the docket of the Court. The parties understand and agree that they will pay their own attorney fees and any costs associated with this matter.

The Clerk is directed to send certified copies of this Order to all counsel of record.

ENTERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Honorable John T. Copenhaver

Presented by:

/s/ James E. McDaniel

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/s/ Stephanie J. Shepherd (w/ permission)

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/s/ Debra Kilgore (w/ permission)

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/s/ Thomas H. Peyton (w/ permission)

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*and James H. Blume, Jr., D.O.*

/s/ Thomas W. Smith (w/ permission)

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*Counsel for Mark A. Clarkson, D.O.*

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MARK A. CLARKSON, D.O., PAUL W. BURKE, JR., M.D.  
And CROSS LANES FAMILY PHARMACY LLC  
& POCA VALU RITE PHARMACY,**

**Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of September, 2019, I served the foregoing “Stipulation and Agreed Order of Dismissal” with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following CM/ECF participants:

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|---|--|
| Timothy D. Houston, Esq. (WVSB #10858)<br>Kathy A. Brown, Esq. (WVSB #8878)<br>Brown Houston PLLC<br>P.O. Box 631<br>Charleston, WV 25322<br><i>Counsel for Inez Lewis</i>                                    | Thomas H. Peyton, Esq. (WVSB #8841)<br>Peyton Law Firm, PLLC<br>2801 First Avenue, P.O. Box 216<br>Nitro, WV 25143<br><i>Counsel for Cross Lanes Family Pharmacy LLC<br/>and Poca Valu Rite Pharmacy</i>   |
| Timothy R. Linkous, Esq. (WVSB #8572)<br>Stephanie J. Shepherd, Esq. (WVSB #9716)<br>Linkous Law, PLLC<br>179 Hanalei Drive, Suite 100<br>Morgantown, WV 26508<br><i>Counsel for Paul W. Burke, Jr., M.D.</i> | Robert M. Sellards, Esq. (WVSB #9104)<br>John H. Zickefoose, Esq. (WVSB #12584)<br>Bailes Craig Yon & Sellards PLLC<br>401 10 <sup>th</sup> Street, Suite 500<br>The St. James Building<br>Huntington, WV 25701<br><i>Counsel for Hope Clinic PLLC<br/>and James H. Blume, Jr., D.O.</i> |

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|---|---|

**ERIE INSURANCE PROPERTY AND  
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**By Counsel:**

/s/ James E. McDaniel

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